

APPEAL NO. 171664
FILED AUGUST 30, 2017

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 13, 2017, in (city), Texas, with (hearing officer) presiding as hearing officer. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of (date of injury), extends to cervical radiculopathy but does not extend to a C5-6 herniation. The claimant appealed, disputing that portion of the hearing officer's extent-of-injury determination that determined the compensable injury does not extend to a C5-6 herniation. The claimant argues that the medical evidence supports a determination that the compensable injury extends to a C5-6 herniation. The respondent (self-insured) responded, urging affirmance of the disputed extent-of-injury determination.

That portion of the hearing officer's determination that the claimant's compensable injury of (date of injury), does extend to cervical radiculopathy was not appealed and became final pursuant to Section 410.169.

DECISION

Reversed and remanded for reconstruction of the record.

Section 410.203(a)(1) requires the Appeals Panel to consider the record developed at the CCH. No audio recording of the CCH is available for review. The file does not contain a transcript or an audio recording of the proceeding. Consequently, we reverse and remand this case to the hearing officer who presided over the June 13, 2017, CCH, if possible, for reconstruction of the CCH record. See Appeals Panel Decision (APD) 060353, decided April 12, 2006.

Pending resolution of the remand, a final decision has not been made in this case. However, since reversal and remand necessitate the issuance of a new decision and order by the hearing officer, a party who wishes to appeal from such new decision must file a request for review not later than 15 days after the date on which such new decision is received from the Texas Department of Insurance, Division of Workers' Compensation, pursuant to Section 410.202 which was amended June 17, 2001, to exclude Saturdays and Sundays and holidays listed in Section 662.003 of the Texas Government Code in the computation of the 15-day appeal and response periods. See APD 060721, decided June 12, 2006.

The true corporate name of the insurance carrier is **CHANNELVIEW INDEPENDENT SCHOOL DISTRICT (a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**GREG OLLIS
828 SHELDON ROAD
CHANNELVIEW, TEXAS 77530.**

Margaret L. Turner
Appeals Judge

CONCUR:

K. Eugene Kraft
Appeals Judge

Carisa Space-Beam
Appeals Judge